

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2, 6, 17 and 22 have been canceled, claims 1, 7, 15, 18, 20, 23 and 26 have been amended, and new claim 30 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-5, 7-16, 18-21, and 23-30 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendments of claims 1, 7, 15, 18, 20, 23 and 26 and new claim 30 put this application into condition for allowance as suggested by the Examiner (see allowable subject matter on page 5 of the office action);

(c) the amendments were not earlier presented because the Applicant(s) believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and/or

(d) the amendments of claims 1, 7, 15, 18, 20, 23 and 26 and new claim 30 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 2-3, numbered paragraph 1, claims 1, 3, 15 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Wakabayashi et al. (USPN 3,848,218; hereafter, Wakabayashi). This rejection is traversed and reconsideration is requested.

Claims 1, 15, 18 and 20 have been amended to be in allowable form as suggested by the Examiner. Claim 26 has been amended in accordance with the Examiner's suggestions for claim 20. Thus, the rejection of claims 1, 15 and 26 under 35 U.S.C. §102(b) in view of Wakabayashi et al. (USPN 3,848,218) is submitted to be moot, and claims 1, 15 and 26 are submitted not to be anticipated by same. Since claim 3 depends from amended claim 1, claim 3 is submitted to be not anticipated under 35 U.S.C. §102(b) by Wakabayashi et al. (USPN 3,848,218) for at least the reasons that amended claim 1 is submitted not to be anticipated by same.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at page 3, numbered paragraph 2, claims 5 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wakabayashi et al. (USPN 3,848,218; hereafter, Wakabayashi) in view of Tachikawa et al. (USPN 6,375,873; hereafter, Tachikawa). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Since claims 1 and 15 have been amended to be in allowable form as suggested by the Examiner, amended claims 1 and 15 are submitted to be patentable under 35 U.S.C. §103(a) over Wakabayashi et al. (USPN 3,848,218) in view of Tachikawa et al. (USPN 6,375,873). Since claims 5 and 16 depend from amended claims 1 and 15, respectively, claims 5 and 16 are submitted to be patentable under 35 U.S.C. §103(a) over Wakabayashi et al. (USPN 3,848,218) in view of Tachikawa et al. (USPN 6,375,873) for at least the reasons that amended claims 1 and 15 are submitted to be patentable over same.

B. In the Office Action, at pages 4-5, numbered paragraph 3, claims 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee (USPN 5,847,261; hereafter, Lee) in view of Wakabayashi et al. (USPN 3,848,218; hereafter, Wakabayashi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Since claim 20 has been amended to be in allowable form as suggested by the Examiner, amended claim 20 is submitted to be patentable under 35 U.S.C. §103(a) over Lee (USPN 5,847,261) in view of Wakabayashi et al. (USPN 3,848,218). Since claim 21 depends from amended claim 20, claim 21 is submitted to be patentable under 35 U.S.C. §103(a) over Lee (USPN 5,847,261) in view of Wakabayashi et al. (USPN 3,848,218) for at least the reasons that amended claim 20 is submitted to be patentable under 35 U.S.C. §103(a) over Lee (USPN 5,847,261) in view of Wakabayashi et al. (USPN 3,848,218).

C. In the Office Action, at page 5, numbered paragraph 4, claims 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wakabayashi et al. (USPN 3,848,218; hereafter, Wakabayashi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Since claim 26 has been amended to be in allowable form in the same fashion as claim 20 as was suggested by the Examiner, amended claim 26 is submitted to be patentable under 35 U.S.C. §103(a) over Wakabayashi et al. (USPN 3,848,218). Since claims 27-29 depends from amended claim 26, claims 27-29 are submitted to be patentable under 35 U.S.C. §103(a) over Wakabayashi et al. (USPN 3,848,218) for at least the reasons that amended claim 26 is submitted to be patentable under 35 U.S.C. §103(a) over Wakabayashi et al. (USPN 3,848,218).

ALLOWABLE SUBJECT MATTER

Claims 2, 4, 6-14, 17-19 and 22-25 were objected to as being dependent upon a rejected base claim (claims 1, 15, and 20), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the limitations of claim 2, and claim 2 has been cancelled without prejudice or disclaimer; claim 15 has been amended to incorporate the limitations of claim 17, and claim 17 has been cancelled without prejudice or disclaimer; claim 20 has been amended to incorporate the limitations of claim 22, and claim 22 has been cancelled without prejudice or disclaimer; and claim 26 has been amended to incorporate the limitations of claim 22 in similar fashion to the Examiner's suggested amendment of claim 20. Claim 18 has been amended to depend from amended claim 15. Dependent claims that depended from cancelled claims have been amended to show proper antecedent basis.

Thus amended claims 1, 7, 15, 18, 20, 23 and 26 are now submitted to be in allowable form.

NEW CLAIM

New claim 30 is claim 4 rewritten in independent form including all of the limitations of the base claim, claim 1. Thus, in accordance with the Examiner's suggestions with respect to allowable subject matter, new claim 30 should be in allowable form.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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